

### **REMARKS**

This responds to the Office Action dated May 27, 2005, and the references cited therewith.

- Claims 1 and 8 are amended; claims 1 - 20 are now pending in this application.

#### **§102 Rejection of the Claims**

Claims 1-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Cohen et al. (U.S. Patent No. 4,998,975). Applicant respectfully traverses the rejection on several grounds. In order for a prior art reference to anticipate in terms of 35 U.S.C. § 102, “every element of the claimed invention must be identically shown in a single reference.” (emphasis added). *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). In addition, in order to anticipate the elements in the single reference “must be arranged as in the claim under review.” *Id.*, (quoting *Lindemann Maschinenfabrik v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1948)). Finally, “the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public.” *Akzo N.V. v. United States Int’l Trade Comm’n*, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909 (1989).

Applicant submits that Cohen fails to anticipate claims 1 – 20 because Cohen is not an enabling reference and all the elements are not identically shown in Cohen.

#### ***Claims 1 - 7***

For example, with respect to claims 1 – 7, Applicant cannot find in Cohen “one or more fillers are disposed adjacent to the insulated at least one conductor,” where the fillers are not coupled with the conductor as recited in claim 1. Furthermore Applicant cannot find in Cohen: fillers with compression waves disposed on an inner perimeter of the one or more fillers as

recited in claim 3; a coil conductor having an axis offset from a lead body longitudinal axis as recited in claim 5; fillers having a general C-shape as recited in claim 6.

According to the Office Action, Cohen shows “one or more fillers are disposed adjacent to the at least one conductor, but are not coupled with the conductor . . . The disclose silicone material is considered to anticipate the claimed filler because both are elongate structures disposed within the lead body and fill the remaining area of the lead body that the conductors don’t fill.” Page 3 Office Action. Applicant cannot find any support for this assertion in Cohen and submits that Cohen is not an enabling reference. Applicant respectfully traverses the assertion under MPEP 2144.03 and requests a reference in support of the assertion, or removal of the rejection.

Reconsideration and allowance of claims 1 – 7 are respectfully requested.

#### *Claims 8 - 14*

With respect to claims 8 – 14, Applicant respectfully traverses the rejection thereof because Cohen is not an enabling reference, and all of the elements cannot be found in the reference. For instance, Applicant cannot find in Cohen, one of more fillers disposed within the lead body adjacent to the insulated conductor, as recited in claim 8. Furthermore, Applicant cannot find in Cohen a filler that “extends from a first end to a second end and having an inner perimeter therein, and an insulated coiled conductor is disposed within the C-shape and adjacent the inner perimeter,” as recited in claim 12. In addition, Applicant cannot find in Cohen, at least one insulated cable conductor disposed between the filler first end and the filler second end, as recited in claim 13, or two cable conductors disposed directly adjacent to one another and between the filler first and second ends, as recited in claim 14. Applicant notes that Col 8, lines 61 – 66 of Cohen states “[I]f more than one conductor is required within the lead, two or more conductors may be helically wound coaxially, each having a different winding radius than the others or the conductors may be placed side-by-side and helically wound on a common radius.”

Applicant further submits Cohen is not enabling, as further discussed above.

Reconsideration and allowance of claims 8 – 14 are respectfully requested.

*Claims 15 - 20*

Applicant respectfully traverses the rejection of claims 15 – 20 because all of the elements cannot be found in the Cohen reference. Applicant cannot find in the Cohen reference disposing at least one cable conductor within a lead body or disposing one or more fillers within the lead body without coupling the conductors with the one or more fillers, as recited in claim 15, and claims 16 – 20 which depend from claim 20. Furthermore, Applicant cannot find in the Cohen reference disposing the coiled conductor at a location offset from a longitudinal axis of the lead body, as recited in claim 16 or disposing two or more fillers on opposite sides of the coiled conductor, as recited in claim 17. With respect to claim 18, Applicant cannot find the combination of disposing fillers within the lead body and insulating the coiled conductor and the at least one cable conductor with one or more layers of insulation. Applicant further cannot find in Cohen disposing a C-shaped filler within the lead body, the C-shape having an inner perimeter portion, and disposing the coiled conductor within the inner perimeter portion.

Applicant further submits the Cohen reference is not enabling, as further discussed above. Reconsideration and allowance are respectfully requested.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3276 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

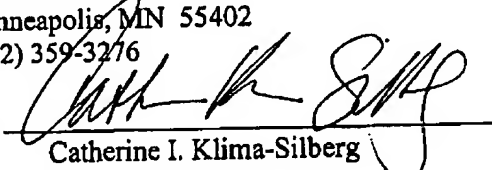
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Date Aug. 29, 2005

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 29 day of August, 2005.

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Signature

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